

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1302 OF 2005

Ms.Smita Mane i/b Mr.P.B.Shah for the Petitioner.

Mr.A.P.Kulkarni for the Respondent.

Office Notes, Office
Memoranda of Coram,
appearances, Court's
order or directions

Court's or Judge's
orders

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CORAM: D.K.DESHMUKH, J.

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DATED: 5th October, 2005

P.C.:

Perusal of the plaint shows that initially the suit of the Plaintiff was for enforcement of his easementary rights to receive air and light from the lane on the west of the house. By amendment now the claim of the Plaintiff is that he owns the lane and therefore, the Defendant cannot make any construction in the lane. The trial court has found that by the amendment the Plaintiff is seeking to change the nature of the suit and reliefs claimed therein, and

therefore, has rejected the application for amendment. I do not see any patent illegality in the order. Petition is rejected.

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